

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**September 16, 2002**

**2:00 p.m.**

The Council of the City of Roanoke met in regular session on Tuesday, September 16, 2002 at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

**PRESENT:** Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Pamela P. Crump, Pastoral Assistant for Christian Education, High Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**PROCLAMATIONS:** The Mayor presented a proclamation declaring the week of September 15 - 21, 2002, as National Rehabilitation Awareness Week.

**CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

**MINUTES:** Minutes of the special meetings of City Council held on Friday, July 26, 2002, and Tuesday, July 30, 2002; the regular meeting of City Council held on Monday, August 5, 2002; and a meeting of the Roanoke City Council Personnel Committee held on Thursday, August 8, 2002, were before the body.

Mr. Dowe moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

**NAYS:** None-----0.

**COMMITTEES-CITY COUNCIL:** A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the Mayor to convene in Closed Session. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

**NAYS:** None-----0.

**OATHS OF OFFICE-HUMAN DEVELOPMENT-COMMITTEES-  
HOUSING/AUTHORITY-YOUTH-FIFTH PLANNING DISTRICT COMMISSION-  
SCHOOLS: The following reports of qualification were before Council:**

**M. Rupert Cutler as a member of the Roanoke Valley-Alleghany Regional Commission, for a term ending June 30, 2005;**

**F. B. Webster Day as a Trustee of the Roanoke City School Board, to fill the unexpired term of Sherman P. Lea, resigned, ending June 30, 2003; and William H. Lindsey as a Trustee of the Roanoke City School Board, to fill the unexpired term of William E. Skeen, resigned, ending June 30, 2005;**

**Abbi Fitzpatrick as a member of the Youth Services Citizen Board, for a term ending May 31, 2005;**

**Christie L. Meredith and Beverly T. Fitzpatrick, Jr., as Commissioners of the City of Roanoke Redevelopment and Housing Authority, for terms ending August 31, 2006; and**

**Margaret C. Thompson as a member of the Human Services Committee, for a term ending June 30, 2003.**

**Mr. Dowe moved that the reports of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**REGULAR AGENDA**

**PUBLIC HEARINGS: NONE.**

**PETITIONS AND COMMUNICATIONS:**

**ELECTIONS-CITY COUNCIL:** A communication from Council Member William D. Bestpitch with regard to a new project sponsored by The Sorensen Institute for Political Leadership and the Virginia Ethics Forum promoting development of Codes of Conduct in Congressional races across the Commonwealth of Virginia, was before Council.

Mr. Bestpitch advised that he requested the City Attorney to prepare a measure commending the Sorensen Institute for Political Leadership and the Virginia Ethics Forum for their initiative and work on the Codes of Conduct Project in Virginia, which encourages Congressional candidates to develop and sign a Code of Conduct.

Mr. Bestpitch offered the following resolution:

(#36056-091602) A RESOLUTION commending the Sorensen Institute for Political Leadership and the Virginia Ethics Forum for their initiative and work on the Codes of Conduct Project in Virginia.

(For full text of Resolution, see Resolution Book No. 66, page 380.)

Mr. Bestpitch moved the adoption of Resolution No. 36056-091602. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-VIRGINIA TRANSPORTATION MUSEUM-TRANSPORTATION SAFETY-ECONOMIC DEVELOPMENT-RAIL SERVICE:** Kay Strickland, Executive Director, Virginia Museum of Transportation, and a Member of the Committee to Advance the TransDominion Express, presented an update of the past year. She advised that the proposed route for the TransDominion Express spans Virginia from Bristol on the Tennessee border through Roanoke, to Lynchburg where the corridor forks, to Charlottesville, Alexandria, and Washington, D. C. to the north, and from Farmville and Richmond to the east, or a total of seven manned and 12 unmanned stations which serve the 530 mile route, eight of which currently serve Amtrak passenger stations. She stated that funding from the Virginia Department of Transportation’s Enhancement Program, ISTEA, helped restore train depots in several key locations, which include Alexandria, Culpepper, Orange, Charlottesville,

Lynchburg, Farmville and Pulaski. She advised that Roanoke and Bristol are currently renovating their historical rail depots, as is Richmond's Main Street; endorsements for the TransDominion project have come from over 140 cities, counties, colleges and Chambers of Commerce, including Roanoke City, and many have provided support money to communicate with the project's support base and legislators. She explained that the project was included in the Transportation Act of 2000 and the legislature adopted \$9.3 million for initial capital needs of the TransDominion Express, and Congressman Bob Goodlatte and Congressman Rick Boucher were successful in inserting language in the Transportation Appropriations Conference Report for fiscal year 2001 which directs Amtrak to work with the Commonwealth of Virginia in launching the TransDominion Express. She stated that Amtrak has agreed to work with the Commonwealth of Virginia in the formulation of an operating agreement and capital cost sharing agreement which will allow Virginia to use Amtrak bulk buying power to acquire passenger cars and locomotives and designate Amtrak to be the operator of the service. She advised that the Commonwealth of Virginia is also addressing three concerns that have been articulated by Norfolk Southern; i.e.: liability, fair compensation for use of its tracks, and not impeding its freight service. She further advised that in June 2002, the TransDominion Express Committee hosted the Virginia House Appropriations Committee on a trip to Portland, Oregon, and Seattle, Washington, and not only did legislators meet with City and State officials regarding transportation issues, they experienced the Cascade Rail Service which is similar to what is proposed for Roanoke. She explained that the Cascade Rail Service began in 1993, ridership has grown to 600,000 and is estimated to grow to 2.2 million by the year 2018, and it is also estimated that one half of the riders on the Cascade service are tourists. She noted that seven of the top ten tourist attractions in Virginia are located along the TransDominion Express corridor; and service in Virginia would provide a link to urban and rural communities across the state for college students, business travelers and tourists. She advised that passenger rail service in Virginia is feasible because it uses existing tracks, links to high speed service in Washington, D.C. and Richmond, Virginia, is cost effective, and Virginians will support the service. She stated that the House Appropriations Committee is looking at ways to find a creative funding mechanism and overcoming certain other objections, because it is not merely a transportation issue, but a multi-faceted quality of life and economic development issue. She advised that the success of passenger rail service does not solely fall on the shoulders of the Virginia Department of Transportation, the Department of Rail and Public Transportation, or Amtrak, and the Roanoke community must view itself as a stakeholder in the process. To that end, she stated that the TransDominion Express Committee will begin making presentations in all

of the communities in the following year to encourage that they take advantage of this transportation option as a part of their community and economic development strategy, and it is hoped that the City of Roanoke will become a financial stakeholder in the TransDominion Express.

Robert B. Manetta, a participant in the Portland/Seattle trip, encouraged the City of Roanoke to appoint a staff person to work with the Committee to Advance the TransDominion Express.

The City Manager advised that once the designation was made of the former passenger rail station to serve as the official designated station for the future, the purpose of the Council-Appointed Passenger Rail Service Committee ended. She further advised that she was not aware of an official request for financial support. She called attention to a regional economic development strategy which has been approved by all of the jurisdictions in the area, and the need for passenger rail service was identified as one of the economic development strategies. She stated that a City staff person will be assigned to work with the TransDominion Express Committee as requested by Mr. Manetta.

Following further discussion, it was the consensus of Council to refer the matter to the City Manager for report and to fiscal year 2003-04 budget study for consideration.

**BUDGET-SCHOOLS-LEGISLATION:** Diane Price, UniServe Director, Roanoke Education Association (REA), appeared before Council in connection with the underfunding crisis as a result of the General Assembly not providing adequate funds for quality education. She requested that Council adopt a measure in support of a resolution adopted by the Virginia Education Association (VEA), and join with many other stakeholders in the Commonwealth of Virginia to point out that there is a serious underfunding issue which needs to be addressed by the General Assembly. She called attention to a campaign sponsored by the VEA, "Brighter Futures for Virginia's Children", which is in its second year, that addresses the importance of quality programs, quality teachers and quality funding. She advised that within the Commonwealth of Virginia, there is a discrepancy between what localities can afford to do for their children and what Standards of Quality (SOQ) funding allows localities to do, and currently the Standards of Quality are underfunded by approximately one billion dollars. She stated that the Commonwealth of Virginia is fortunate in that it has a wealth of personal resources and it is necessary to make a decision to commit those resources to providing brighter futures for the children of Virginia. She explained that Virginia ranks 46th

in tax burden on personal income, while it is 12<sup>th</sup> in the nation for personal income; disproportionately, Virginia ranks 40<sup>th</sup> in what its legislature chooses to spend on educating its children; and Virginia continues to lag almost \$3,000.00 behind the national average in teacher salaries. She advised that revenue sources must be identified in order to adequately fund education, and while some areas of government have received an increase in spending, education has not received its fair share, with general government increasing by eight per cent, administration of justice increased by 4.4 per cent, and education increased by only 2.2 per cent in the past 20 years, which is not sufficient to meet the growing demands of the School system in Roanoke, or other school systems in the Commonwealth of Virginia. She advised that if education is truly a top priority of the General Assembly, now is the time to convince the General Assembly to take action; and a strong argument can be made for the children of Roanoke, as well as for the children of the Commonwealth of Virginia. She stated that the REA plans to make business contacts, to foster more and improved business partner relationships, and to encourage business representatives to contact their state legislators. She called attention to surveys conducted by various organizations, including the VEA, which demonstrate that the public is in favor of increased State funding, fixing the deflated SOQ formula, and voters in the Commonwealth of Virginia and in the City of Roanoke overwhelmingly support public schools. She stated that local business persons will be encouraged to contact legislators in support of the "Brighter Futures Campaign" and an increase in State funding for education, while stressing that education be considered as a top priority. In summary, she advised that the Standards of Quality funding, in its present form, is not sufficient to meet the needs of Virginia's children and its schools; therefore, it is requested that City Council help in efforts to provide smaller class sizes, a sufficient number of resource teachers, plentiful supplies and materials, effective professional development, adequate technology, and teacher salaries at or above the national average. She requested that Council join with the Roanoke Education Association and the Virginia Education Association in their state-wide efforts to encourage the General Assembly to provide its fair share of education funding and to ensure brighter futures for the children of the City of Roanoke and throughout the Commonwealths of Virginia.

Council Member Carder, Chair of the Legislative Committee, advised that one of the reasons that the City's proposed 2003 Legislative Program was sent to the Roanoke Education Association and to others was to generate a ground swell of grass roots support during the 2003 Session of the General Assembly, in an effort to politically push legislators to deal with the revenue issue. He stated that it is hoped when the City's 2003 Legislative Program is completed, the REA and others will join the City of Roanoke in asking that cities be empowered with the ability to control their own destinies, or that the General Assembly step up to the plate and do its fair share.

**It was the consensus of Council to refer the resolution adopted by the Virginia Education Association establishing the educational funding crisis in the Commonwealth of Virginia as the VEA's first priority, to the City Attorney for preparation of the proper measure for consideration by Council at its next regular meeting on Thursday, October 3, 2002, at 2:00 p.m.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS: NONE.**

**ITEMS RECOMMENDED FOR ACTION:**

**ZONING-NEIGHBORHOOD ORGANIZATIONS-COMMUNITY PLANNING:** The City Manager submitted a communication advising that the Code of Virginia provides for local establishment of Rehabilitation Districts by City Council resolution in Section 36-52.3; establishment of Rehabilitation Districts permits the City of Roanoke and the City of Roanoke Redevelopment and Housing Authority to implement housing programs such as Rental Inspections and rehabilitation programs; in addition, it permits the City to establish Neighborhood Design District regulations in the Zoning Ordinance pertaining to new construction and additions to existing structures; and programs are limited to core areas of the City that are designated as Conservation Areas, Redevelopment Areas, or Rehabilitation Districts.

**It was further advised that staff recommends expansion of the existing Rehabilitation District in the northern part of the Melrose-Rugby neighborhood, which expansion was recommended in the Melrose-Rugby Neighborhood Plan, adopted by Council on June 18, 2001; and the Plan's residential development strategy recommends that the City "extend the Rehabilitation District north to include Andrews Road, Cove Road, Syracuse Avenue, Grayson Avenue and Thomas Avenue."**

**The City Manager explained that the Code of Virginia requires that a proposed Rehabilitation District meet two criteria: first, the area must be adjacent to a Conservation Area, and second, the area must show that it is likely to deteriorate if not rehabilitated; the Melrose-Rugby area meets both criteria and the first criterion is met because the existing Rehabilitation District, which is adjacent to a Conservation Area, would simply be expanded; the second criterion is met because**



the area (including the area for expansion) shows continued potential for deterioration; the neighborhood has a lower owner-occupancy rate (50.5%) than the City (56.6%), and approximately one quarter of income by residents is below the poverty level; in addition, the median house value is \$10,700.00 lower than the City median, which statistics indicate a housing tenure type, income level, and comparative value of housing that could have adverse impacts on continued housing maintenance activities and resulting loss of competitive market position of the neighborhood in relation to the City and the region unless specific public actions are not initiated.

It was advised that code enforcement records of the Department of Housing and Neighborhood Services indicate that over 300 properties in the entire neighborhood have been the subject of code enforcement activities, which is approximately one-fifth of all dwelling units; the northern portion of the Melrose-Rugby neighborhood contains a large amount of vacant land and overall vacant housing units are estimated to be just under ten per cent for the entire neighborhood, which indicates that the area has a high potential for infill housing development and continued rehabilitation activities under specific programmatic activities and guidelines that can be broadened through expansion of the rehabilitation district; to carry out the Melrose-Rugby Neighborhood Plan recommendations for continued focus on housing rehabilitation and encouraging well-designed market rate infill housing, the existing rehabilitation district should be expanded, and the Neighborhood Design District standards of the Zoning Ordinance should be implemented in the rehabilitation district, including the portion proposed for expansion.

The City Manager recommended that Council adopt a resolution to expand the Rehabilitation District in the Melrose-Rugby neighborhood.

Mr. Carder offered the following resolution:

(#36057-091602) A RESOLUTION expanding the Melrose rehabilitation district in the vicinity of the Melrose-Rugby Neighborhood.

(For full text of Resolution, see Resolution Book No. 66, page 381.)

Mr. Carder moved the adoption of Resolution No. 36057-091602. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**ZONING-CITY CODE-TECHNOLOGY ZONE:** The City Manager submitted a communication advising that in 1995, the Code of Virginia was amended to allow local governments the opportunity to create local technology zones which may be created for a period of up to ten years and may allow localities to provide various economic incentives to businesses; both the City of Roanoke's Comprehensive Plan Vision 2001-2020 and the Outlook Roanoke Update recommend the establishment of a technology zone within the City of Roanoke that will provide special incentives to attract, retain, and grow technology businesses; and the primary areas that have been identified for technology business growth include the Downtown and South Jefferson Redevelopment areas.

It was further advised that earlier this year, the City's Department of Economic Development completed an evaluation of other technology zone programs around the Commonwealth of Virginia; in addition, City staff met with existing technology businesses to gain further insight as to what incentives would better attract or retain technology firms; and the Department of Economic Development concluded that a technology zone should be established within the City, thereby offering the following economic incentives to qualifying technology businesses:

**Telecommunication Connection Fee Grant:** *(i.e. Fiber Optics, Data)-* Qualified technology businesses may receive a one-time telecommunication connection fee grant, equal to 50 per cent of the actual costs spent by such business to obtain telecommunication services to its location, not to exceed \$1,000.00 per grant.

**Capital Investment Grants:** A capital investment grant may be provided to qualified technology businesses. The grant is based on the net increase in new investment made within the technology zone. The grant is calculated on the net qualifying increase in business personal property (including tangible personal property and machinery and tools) and real estate taxes paid by a qualified technology business. The grant is equal to 50 per cent of the net increase in such taxes actually paid by the technology business and which increase resulted from a qualified technology business' new investment in business personal property and real estate improvements.

It was stated that the above referenced grants will be administered through the Industrial Development Authority of the City of Roanoke with funds provided by the City; incentives are based on a technology company's creation of new, full time job positions and new capital investment within the technology zone; establishment of the technology zone requires that Council adopt a measure to add Chapter 32.1, Technology Zone, to the Code of the City of Roanoke (1979), as amended; funding for technology zone incentives will be necessary until the end of the life of the technology zone, September 30, 2012; since incentives are based upon new net revenue to the City, funding for such incentives will be provided by revenues generated from technology investments, and required funding will be annually appropriated through the life of the technology zone based on revenues achieved.

The City Manager recommended that Council amend the Code of the City of Roanoke (1979), as amended, to add Chapter 32.1, Technology Zone, and further authorize the City Manager to take such further action and to execute such additional documents as may be necessary to obtain or confirm such local incentives and to establish appropriate rules and regulations to implement and administer local incentives.

Mr. Carder offered the following ordinance:

(#36058-091602) AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by the addition of a new Chapter 32.1, Technology Zone, to provide for the establishment of a technology zone within the City to provide certain incentives for certain qualified businesses; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 386.)

Mr. Carder moved the adoption of Ordinance No. 36058-091602. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**DONATIONS/CONTRIBUTIONS-EMERGENCY MEDICAL SERVICES:** The City Manager submitted a communication advising that previously, the City donated an out of service 1991 Chevrolet Caprice with over 80,000 miles to be used for administrative support functions of Roanoke Emergency Medical Services, Inc. volunteers (REMS); pursuant to an agreement with REMS, maintenance, fuel, title, markings and insurance on the vehicle are provided by REMS, with the City listed as an additional insured; REMS has submitted a request to return the 1991 Chevrolet Caprice to the City in exchange for an out of service 1995 Chevrolet Caprice with over 80,000 miles (unit #048); REMS will provide fuel, maintenance and insurance and will remark and title the vehicle as a REMS vehicle; the 1991 vehicle will be returned to City of Roanoke fleet for customary disposal of an out of service vehicle; and under the agreement, REMS may not dispose of any donated property without the written agreement of the City.

It was further advised that Section 15.2-953 of the Code of Virginia (1950), as amended, allows localities to donate funds, personal property or real estate to organizations such as REMS; and REMS has agreed to accept the 1995 Chevrolet Caprice and will maintain and ensure the vehicle.

The City Manager recommended that Council adopt a measure authorizing the return of a 1991 vehicle and the donation of a 1995 Chevrolet Caprice to REMS, authorize the City Manager to sign the title to said vehicle over to REMS; and ownership of the vehicle will revert to the City of Roanoke should REMS cease to do business.

Mr. Carder offered the following resolution:

(#36059-091602) A RESOLUTION authorizing the donation of a certain City owned vehicle to Roanoke Emergency Medical Services (REMS), upon certain terms and conditions; and authorizing the City Manager to transfer title of said vehicle to REMS.

(For full text of Resolution, see Resolution Book No. 66, page 394.)

Mr. Carder moved the adoption of Resolution No. 36059-091602. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**POLICE DEPARTMENT-BUDGET-GRANTS:** The City Manager submitted a communication advising that for the past several years, police officers in the Crime Prevention Squad have sought funding to implement "Project Lifesaver", whose mission is to assist victims of Alzheimer's disease and related mental dysfunction disorders who become disoriented or lost and are unable to return themselves home safely; project Lifesaver uses Geographic Information Systems (GIS), which track the lost patient via electronic transmitter and receiver; during the past ten years, the City's efforts to enhance the use of linear space through construction of "greenways" has intensified; with many of the greenways having been completed or near completion, a concern has arisen for the need for quick access by patrol officers to the most remote part of these sites; bicycle patrols, horses, and foot officers can access the remote site areas, but they are limited in how quickly their access is and in the amount of assistance they might be able to render; a motorized all-terrain vehicle (ATV) could maneuver on the greenways to provide expedient law enforcement services; and in conjunction with Project Lifesaver, an ATV would be valuable in the search and rescue efforts for missing dementia patients in greenways and in remote wooded areas.

It was further advised that the City has been approved for a "One Time Special Request Fund for Local Law Enforcement Agencies" grant award of \$5,000.00 from the Commonwealth of Virginia Department of Criminal Justice Services, for the purchase of electronic transmitter and receiver equipment to address the safety issues of patients in the advanced stages of Alzheimer's disease and for the purchase of an all-terrain vehicle.

The City Manager recommended that Council establish a revenue estimate and appropriate \$5,000.00 to Grant Fund accounts to be established by the Director of Finance; and that the City Manager be authorized to execute any required documents.

**Mr. Carder offered the following budget ordinance:**

**(#36060-091602) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 66, page 395.)**

**Mr. Carder moved the adoption of Ordinance No. 36060-091602. The motion was seconded by Mr. Dowe.**

**Council Member Cutler suggested that consideration be given to patrolling greenways with bicycles, which would enable the expenditure of the entire \$5,000.00 for transmitter and receiver equipment for Alzheimer's patients. The City Manager responded that the amount of funds available would go first toward the purchase of transmitter and receiver equipment, with the balance to be used for the all terrain vehicle.**

**There was discussion in regard to the criteria to be used in dispensing the transmitter receiver equipment; whereupon, the Assistant City Manager for Community Development advised that the Chief of Police states that the all terrain vehicle is similar to a go cart and is used in places where vehicles are not feasible, and both the transmitter receiver equipment and the all terrain vehicle can be purchased for \$5,000.00. She stated that she would provide Council with information on the criteria for dispensing the equipment, along with the number of transmitter units to be purchased, and noted that equipment will be dispensed to those individuals who are in the advanced stages of Alzheimer's disease.**

**Mr. Harris called for the question.**

**Ordinance No. 36060-091602 was adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**Mr. Bestpitch offered the following resolution:**

**(#36061-091602) A RESOLUTION authorizing the acceptance of the One Time Special Request Fund for Law Enforcement Agencies by the Commonwealth of Virginia Department of Criminal Justice and authorizing the execution of any required documentation of behalf of the City.**

**(For full text of Resolution, see Resolution Book No. 66, page 396.)**

**Mr. Bestpitch moved the adoption of Resolution No. 36061-091602. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-REFUSE COLLECTION-EQUIPMENT: The City Manager submitted a communication advising that the Fiscal Year 2002 – 2003 Resource Allocation Plan has identified the need to purchase new loose-leaf collection equipment and supporting apparatus to replace existing equipment; funding was allocated to the Fleet Management Fund for this purpose which will allow for the purchase of 12 Trailer Mounted Vacuum Leaf Collector Units to replace existing units; and specifications were developed and an Invitation for Bids was sent to 11 qualified providers, in accordance with the Procurement Code.**

**It was further advised that the lowest bid submitted by Virginia Public Works Equipment for a Giant-Vac Model 6600 JD-B did not meet specifications, because the machine is not equipped with a PTO safety engagement system that prevents equipment damage during vacuum impeller engagement and does not meet the specified horsepower rating, clutch size, or requested electrical break system and hydraulic boom operation; three vendors submitted bid packets but declined to bid on the units; and the bid of Old Dominion Brush Company, in the amount of \$176,784.00, is the lowest bid meeting all specifications.**

**The City Manager recommended that Council accept the bid of Old Dominion Brush Company for 12 Trailer Mounted Vacuum Leaf Collector Units (Model LCT-650), at a total cost of \$176,784.00, authorize the City's Purchasing Division Manager to issue a purchase order, authorize the City Manager to execute the required purchase agreements, and reject all other bids received by the City.**

The City Manager further recommended that Council transfer \$15,184.00 from Fleet Management, Account No. 017-440-2642-9010, to Transportation – Street Maintenance, Account No. 001-530-4110-9015.

Mr. Carder offered the following budget ordinance:

(#36062-091602) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Fleet Management Fund Appropriations, and dispensing with the second reading by title of the ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 397.)

Mr. Carder moved the adoption of Ordinance No. 36062-091602. The motion was seconded by Mr. Bestpitch.

The Mayor expressed concern that there was only one qualified bidder, and advised that he has raised the concern on a number of occasions with regard to construction projects and/or acquisition of equipment. He stated that the City has an obligation to its citizens to consider a minimum of two bids for any product and/or project. He inquired as to how the situation can be corrected in the future and stated that he would prefer to rebid the item and determine why bid specifications were drafted in such a way as to eliminate other potential bidders.

The City Manager advised that the City attempted to solicit bids from a number of vendors; however, she could not explain why three bidders declined to submit a bid on this specific item, and when the City goes out to bid it has no way of knowing how many vendors/companies will respond, nor can there be a guarantee that there will be a minimum number of bidders. She explained that the City of Roanoke is currently performing a service of collecting loose leaves which is rare among communities of today; it was contemplated in this years' budget, in an effort to help balance the budget, to discontinue the loose leaf collection program because it is costly and time consuming and does not enhance the overall appearance of the City since many citizens choose to put their leaves out in advance of the collection date. However, she added that City staff believes that the City of Roanoke can be more efficient in loose leaf collection and requested the opportunity to improve upon the service before a decision was made to discontinue the program. She explained that if Council votes to reject the bids on the leaf collector units and re-advertise for bids, the City of Roanoke will not be in a position to improve upon its loose leaf collection program this year, and further, the fiscal year 2003 budget eliminated two staff persons from this operation, therefore, additional costs would be incurred that were not previously anticipated.



Council Member Wyatt expressed concern that there are instances when City departments are so product specific in their requirements that only one supplier can meet specifications inasmuch as specifications are drafted to fit a particular product. She requested that the City Manager ensure that specifications are drafted so as not to be so product specific that other vendors are automatically excluded.

The City Manager advised that the City is under staffed in the purchasing area, upon the hiring of a purchasing manager, there may be a need to employ a buyer or bid specialist to assist City departments in the development of bid specifications so as to overcome the tendency alluded to by Ms. Wyatt. She stated that currently, with the size of the purchasing staff, the system relies totally on individual departments to develop their own bid specifications.

Following further discussion, Council Member Harris called for the question. Ordinance No. 36062-091602 was adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Wyatt--6

**NAYS:** Mayor Smith-----1.

Mayor Smith advised that his no vote was not against the equipment, but the need to identify a better way to purchase equipment and demonstrate to the public that the City of Roanoke is affording an equal opportunity to every potential bidder.

Mr. Harris offered the following resolution:

(#36063-091602) A RESOLUTION accepting the bid of Old Dominion Brush Company for the purchase of 12 new Trailer Mounted Vacuum Leaf Collector Units, upon certain terms and conditions; and rejecting all other bids made for such items.

(For full text of Resolution, see Resolution Book No. 66, page 398.)

Mr. Harris moved the adoption of Resolution No. 36063-091602. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Wyatt-6.

**NAYS:** Mayor Smith-----1.

**BRIDGES-CITY PROPERTY:** The City Manager submitted a communication with regard to various repairs to two City bridges, 9<sup>th</sup> Street over Norfolk Southern Railway and 5<sup>th</sup> Street over Norfolk Southern Railway; after proper advertisement, three bids were received, with Lanford Brothers Co., Inc., submitting the low bid, in the amount of \$116,630.00; and a construction time of 60 consecutive calendar days; and funding is available in Bridge Maintenance Account No. 008-052-9549-9003.

The City Manager recommended that Council accept the bid of Lanford Brothers Co., Inc., in the amount of \$116,630.00, with 60 consecutive calendar days of contract time, and reject all other bids received by the City.

Mr. Carder offered the following ordinance:

(#36064-091602) AN ORDINANCE accepting the bid of Lanford Brothers Company, Incorporated, for making various repairs to two City bridges, 9<sup>th</sup> Street over Norfolk Southern Railway, and 5<sup>th</sup> Street over Norfolk Southern Railway, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 399.)

Mr. Carder moved the adoption of Ordinance No. 36064-091602. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**PARKS AND RECREATION:** The City Manager submitted a communication advising that the City of Roanoke desires the opportunity to consider entering into a contractual agreement with a qualified service provider to operate the Rocwood Indoor Adventure Center located within the Parks and Recreation Administrative Building, 210 Reserve Avenue S. W., which is a multi-faceted climbing facility serving residents of the Roanoke Valley; the facility offers 4000 square/feet of recreation space, including various climbing walls, tower, climbing cave, rappelling station, equipment storeroom and a reception area; the provider would oversee all facets of facility operations and program delivery for all users; programs may include open session climbing, climbing club, birthday party rentals, partnerships with area schools, YMCA, Boy Scouts, churches and special events; and the proposed contractual arrangement is designed to maximize efficient and effective use of the Rocwood Indoor Adventure Center for many users, with the intent to recreate and expand potential service offerings at the facility, while eliminating the subsidy currently associated with in-house operation.

It was further advised that although the sealed bid method of procurement could be used, it is not practicable in this instance; the experience, qualification, and references of firms that can provide the above listed service are of equal, if not greater, importance than cost; and issues of experience, risk management, and ability to achieve desired outcomes are of critical importance in determining the best possible provider of the required service.

It was explained that the Code of the City of Roanoke, (1979) as amended, provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation"; and prior approval by Council is necessary before the alternate method may be used, which will allow negotiations with two or more providers to determine the best qualified at the most competitive price or rate.

The City Manager recommended that Council authorize the use of competitive negotiation as the method to secure vendors.

Mr. Carder offered the following resolution:

(#36065-091602) A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of a qualified service provider to operate the Rocwood Indoor Adventure Center; and documenting the basis for this determination.

(For full text of Resolution, see Resolution Book No. 66, page 400.)

Mr. Carder moved the adoption of Resolution No. 36065-091602. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**BLUE RIDGE COMMUNITY SERVICES:** The City Manager submitted a communication advising that the 1998 General Assembly passed HB428 which amended and reenacted sections of the Code of Virginia, 1950, as amended, relating to local roles and responsibilities for mental health, mental retardation, and substance abuse services; Section 37.1-194 of the State Code requires every locality to establish a community service board to oversee the delivery of mental health, mental retardation and substance abuse services, and it is further required that the local governing body of a locality approve the Performance Contract; and the City of Roanoke has already established Blue Ridge Behavioral Healthcare, pursuant to statutory provision, as the Community Services Board.

It was further advised that Blue Ridge Behavioral Healthcare has submitted the Fiscal Year 2003 Community Services Performance Contract, in accordance with Title 37.1 of the State Code, to ensure delivery of publicly funded services and support to citizens of the Commonwealth of Virginia with mental illness, mental retardation, or substance abuse; services are to be directly or by contract through the operating board of the Community Services Board; and Section 37.1-198B, Code of Virginia, 1950, as amended, requires all governing bodies for localities served by the Community Services Board to approve the Community Services Performance Contract.

The City Manager recommended that Council adopt a measure approving execution of the Blue Ridge Behavioral Healthcare fiscal year 2003 Performance Contract and that the City Manager be authorized to execute any required documents to enter into the Performance Contract with the Blue Ridge Behavioral Healthcare Board of Directors.

Mr. Bestpitch offered the following resolution:

(#36066-091602) A RESOLUTION approving and authorizing the execution of the Blue Ridge Behavioral Healthcare FY 2003 Performance Contract, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 66, page 402.)

Mr. Bestpitch moved the adoption of Resolution No. 36066-091602. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-CONVENTION AND VISITORS BUREAU-WESTERN VA FOUNDATION FOR THE ARTS AND SCIENCES-ROANOKE PASSENGER STATION RENOVATION PROJECT:** The City Manager submitted a communication advising that the Roanoke Passenger Rail Station is presently being redeveloped by the Western Virginia Foundation for the Arts and Sciences (WVFAS) for use by the Roanoke Valley Convention and Visitors Bureau and the O. Winston Link Museum; the City of Roanoke's Capital Improvement Program includes a funding commitment of \$1,500,000.00 for the project, of which \$250,000.00 has already been provided to WVFAS by previous action of Council, pursuant to Ordinance No. 35170-121800; the balance of \$1,250,000.00 requires a formal agreement to include certain conditions by which remaining funds would be provided to WVFAS; conditions include acquisition of matching funds and securing an agreement with the O. Winston Link Estate for display of the O. Winston Link art/photo collection in the renovated facility; funding would be provided in two equal payments of \$625,000.00, one to be made in fiscal year 2002-03 and the other in fiscal year 2003-04, subject to satisfaction of conditions of the agreement; and funding appropriation for the first payment is currently needed, while funding for the second appropriation will be made in fiscal year 2003-04.

The City Manager recommended that Council appropriate \$625,000.00 from Capital Projects Fund Interest Earnings to Roanoke Passenger Station Renovation, Account No. 008-530-9900-9003, for disbursement to the Western Virginia Foundation the Arts and Services and that the City Manager be authorized to execute the agreement on behalf of the City of Roanoke.

Mr. Harris offered the following budget ordinance:

(#36067-091602) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page, 403.)

Mr. Harris moved the adoption of Ordinance No. 36067-091602. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36068-091602) A RESOLUTION authorizing the City Manager to execute, on behalf of the City of Roanoke, an Agreement between the City of Roanoke and Western Virginia Foundation for the Arts and Sciences ("WVFAS").

(For full text of Resolution, see Resolution Book No. 66, page 404.)

Mr. Cutler moved the adoption of Resolution No. 36068-091602. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-GRANTS-FDETC: The City Manager submitted a communication advising that the Fifth District Employment and Training Consortium (FDETC) administers the Federally funded Workforce Investment Act (WIA) for the region, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Covington, Roanoke, and Salem; and WIA funding is for two primary client populations:

Dislocated workers who have been laid off from employment through no fault of their own.

Economically disadvantaged individuals as determined by household income guidelines established by the U. S. Department of Labor.

It was further advised that the City of Roanoke is the grant recipient and fiscal agent for FDETC funding, thus, City Council must appropriate funding for all grants and other monies received by the FDETC.

It was explained that the FDETC has received an award of \$25,000.00 from the City of Roanoke Community Development Block Grant Program to provide 12 local businesses with assistance in identifying occupational skills needed by employees to effectively perform their jobs; the FDETC will also provide individualized job placement services for approximately 50 low to moderate-income persons; the FDETC has received a Notice of Obligation from the Virginia Employment Commission authorizing Workforce Area 3 to spend \$69,931.00 for the Adult Program, which serves economically disadvantaged persons and \$93,433.00 for the Dislocated Worker Program, which serves persons laid off from their job through no fault of their own; and the balance of funding designated for Workforce Area 3 will be authorized on a separate notice of obligation after September 30, 2002.

The City Manager recommended that Council appropriate the FDETC's funding, totaling \$188,364.00, and increase the revenue estimate by \$188,364.00, in accounts to be established in the Consortium Fund by the Director of Finance.

Mr. Carder offered the following budget ordinance:

(#36069-091602) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fifth District Employment and Training Consortium Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 405.)

Mr. Carder moved the adoption of Ordinance No. 36069-091602. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**BONDS/BOND ISSUES- CIVIC CENTER STADIUM:** The City Manager and the Director of Finance submitted a joint communication advising that the City of Roanoke issued \$26,020,000.00 of Series 1999A and \$10,100,000.00 of Series 1999B bonds dated October 15, 1999; the bonds were issued to fund various projects including schools, buildings, storm drains, the Roanoke Higher Education Center,

the Johnson and Johnson project and other infrastructure projects; although the City obtained a favorable overall interest rate for the issue, certain bonds with maturities in outer years carry interest rates of up to 6.0%; and Davenport & Company, LLC, a Richmond, Virginia, based Securities Underwriting Firm with a Roanoke office, has proposed to purchase bonds to refund a portion of the 1999 bonds via a negotiated sale.

It was further advised that based on recent bond interest rates, the City could potentially realize significant savings by refunding a portion of the 1999 bond series that carry the higher interest rates; resulting savings would be contingent upon the combination of the interest rate received on the refunding bonds and the interest rate obtained on the Treasury certificates purchased to fund the escrow to be used to pay the current outstanding bonds when the bonds become callable; based upon discussions with the City's financial advisor, BB&T Capital Markets, it is believed that an appropriate level of savings to justify refunding would be a net present value amount of \$500,000.00, provided that savings of at least four per cent of net present value of the refunded bonds could also be achieved; since interest rates fluctuate daily, it is imperative to the success of a refunding that the City act quickly once interest rates enable the City to achieve an acceptable level of savings; and thus, a negotiated sale versus an open market competitive sale is deemed more practical.

It was noted that refunding bonds will be considered additional debt in the context of the City's debt policy and from the rating agencies' perspective only to the extent that a slightly higher level of principal would need to be issued than the amount of 1999 bonds being refunded.

The City Manager and Director of Finance recommended that Council adopt a resolution authorizing the City Manager and the Director of Finance to issue up to \$22 million in refunding bonds to be purchased by Davenport & Company, LLC, if net present value savings of \$500,000.00 and a minimum of four per cent of the net present value of the refunded bonds can be achieved.

Mr. Carder offered the following resolution:

(#36070-091602) A RESOLUTION authorizing the issuance and sale of not to exceed twenty-two million dollars principal amount of City of Roanoke, Virginia, General Obligation Public Improvement Refunding Bonds to Davenport & Company LLC, as underwriter; fixing the form, denomination and certain other details of such refunding bonds and delegating to the City Manager and the Director of Finance authority, among other things, to execute and deliver to such underwriter a bond purchase contract by and between the City and such underwriter, to determine the aggregate principal amount of such refunding bonds, the maturity dates of such refunding bonds and the principal amounts of such refunding bonds maturing in each year, the interest payment dates for such refunding bonds and the rates of interest to be borne by such refunding bonds, the redemption provisions and redemption premiums, if any, applicable to such refunding bonds and to appoint an escrow agent for the bonds to be refunded from the proceeds of such refunding

bonds; authorizing the execution and delivery of a continuing disclosure certificate relating to such refunding bonds; authorizing the execution and delivery of an escrow deposit agreement relating to the refunded bonds; authorizing the City Manager and the Director of Finance to appoint a verification agent; authorizing the City Manager and the Director of Finance to designate the refunded bonds for redemption; and otherwise providing with respect to the issuance, sale and delivery of such refunding bonds and the refunding of the refunded bonds.

(For full text of Resolution, see Resolution Book No. 66, page 407.)

Mr. Carder moved the adoption of Resolution No. 36070-091602. The motion was seconded by Mr. Harris.

The Director of Finance advised that the City has worked with its financial adviser to establish a volume of savings in the range of approximately \$500,000.00 of present value savings, and four per cent present value savings of the preauthorized amount of bonds would amount to approximately \$50,000.00 per year in debt service savings. He pointed out that as bonds are refunded in the context of being considered additional debt, they are considered additional debt to the extent that the principal exceeds the principal amount of the bonds being refunded. He noted that the resolution before Council has an expiration date of February 28, 2003, and due to certain technical rules regarding bond issuance, Council has not as yet adopted a measure authorizing issuance of bonds for Phase II expansion of the Civic Center, which is anticipated to be submitted in early 2003, and the expiration date of the resolution before Council will occur at about the same time that another resolution will be submitted to Council for approval of issuance of bonds for the Civic Center expansion.

There was discussion in regard to traffic studies and renovations to the Roanoke Civic Center; whereupon, the City Manager advised that it is intended to complete the design and bid on the \$15 million of civic center improvements in early 2003. She stated that it is also the goal to complete the final design for bid specifications for the stadium/amphitheater project at approximately the same time because there may be financial advantages to the City to bid both projects simultaneously, and potential bidders will be given the opportunity to bid on both projects or on individual projects. She stated that traffic management for both the stadium/amphitheater project, and the Civic Center Project have been reviewed, and traffic management efforts have already been enforced. She added that a traffic management plan will be submitted to Council within the next few weeks and part of the consideration regarding the stadium/amphitheater project has been a pedestrian overpass of Orange Avenue so as to maximize available parking spaces on both sides of the street for which ever event might be a sell out. She stated that the traffic management plan could suggest certain additional improvements and costs associated with traffic, but would not forestall development of the two projects.

Resolution No. 36070-091602 was adopted by the following vote:



**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**REPORTS OF COMMITTEES:**

**BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting the following appropriation of funds, was before Council.**

**\$699,916.00 from the Capital Maintenance and Equipment Replacement Fund to be used to fund instructional and administrative technology requests, school bus replacement, facility maintenance requirement, district-wide physical education equipment, grounds services equipment, facility improvements for handicap access, repair of roofs at several schools, and replacement of food service equipment.**

**\$335,262.00 for the Smaller Learning Communities program at Patrick Henry High School, to provide training of staff and establishment of smaller student learning communities within the high school, to be reimbursed 100 per cent by Federal funds.**

**\$37,906.00 for the Smaller Learning Communities program at William Fleming High School, to provide training of staff and establishment of smaller student learning communities within the high school, to be reimbursed one hundred per cent by Federal funds.**

**\$2,700.00 for the Academic Challenge/Capital One program, to provide additional support for the four schools participating in the program; a corporate donation has been received for the program.**

**\$108,367.00 for the Title I School Improvement program at Roanoke Academy for Mathematics and Science, which will aid the division in its effort to provide strategies to increase students learning at low-performing schools, and help to fund the opportunity for students to chose a higher-performing school as an alternative; to be reimbursed 100 per cent by Federal funds.**

**A report of the Director of Finance recommending that Council concur in the request, was also before the body.**

**Mr. Carder offered the following budget ordinance:**

**(#36071-091602) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General, School, and School Food Services Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 66, page 422.)**

Mr. Carder moved the adoption of Ordinance No. 36071-091602. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

SPECIAL EVENTS: Council Members Bestpitch, Cutler and Wyatt commended Council Member Carder on the success of the Taste of the Blue Ridge Blues and Jazz Festival, which was held in the City of Roanoke on September 13-15, 2002.

STATE HIGHWAYS-TRANSPORTATION SAFETY: Vice-Mayor Harris requested that the City Manager re-communicate the City's concerns to the Commonwealth Transportation Board with regard to the routing of I-73, specifically through the southeast section of the City of Roanoke. He further requested that the City Manager seek a response from Onzlee Ware, the City's local representative to the Commonwealth Transportation Board, in regard to the routing of I-73 through southeast Roanoke.

POLICE DEPARTMENT-FIRE DEPARTMENT-ACTS OF ACKNOWLEDGEMENT: Having participated in a police ride-along, Council Member Dowe commended the City of Roanoke Police Department and Fire Department for the services they perform on a daily basis for the citizens of the City of Roanoke.

ACTS OF ACKNOWLEDGEMENT-COMMITTEES-SPECIAL EVENTS: Council Member Carder expressed appreciation to the Special Events Committee and to approximately 240 volunteers who worked to make the Taste of the Blue Ridge Blues and Jazz Festival a success.

ACTS OF ACKNOWLEDGEMENT: Council Member Carder presented a sample of the "Roanoke Shining Star" award which was designed to recognize the good deeds of citizens of the City of Roanoke throughout the year. He advised that citizens may obtain a nomination form from the City Clerk's Office, or via the City's Webpage on the Internet.

**ACTS OF ACKNOWLEDGEMENT:** Council Member Cutler commended a team of City employees, under the leadership of Christopher L. Slone, Public Information Officer, who were responsible for the award-winning City of Roanoke Magazine, Roanoke Citizen.

**PARKS AND RECREATION-WATER RESOURCES:** Council Member Cutler called attention to a water conservation workshop which will be held on Monday, September 23, 2002, at 7:00 p.m., in the Auditorium of the main branch of the City of Roanoke Public Library. He also called attention to a workshop to be sponsored by the National Park Service with regard to operation of the Blue Ridge Parkway on Tuesday, September 24, 2002, from 3:30 p.m. to 7:00 p.m., at the Vinton War Memorial.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

**COMPLAINTS-REFUSE COLLECTION-REAL ESTATE VALUATION-CITY GOVERNMENT-HOUSING/AUTHORITY-COMMUNITY PLANNING-TRANSPORTATION SAFETY-ECONOMIC DEVELOPMENT-WATER RESOURCES-ROANOKE PASSENGER STATION RENOVATION PROJECT:** Mr. Robert Gravely, 617 Hanover Avenue, N. W., addressed Council with regard to the water shortage, the City's economic stability, the process for collection of loose leaves on City streets, overall betterment of the community, and the need to increase the City's tax base through real estate taxes. He questioned the need for passenger rail service, as reported earlier in the meeting, when citizens cannot afford to pay for a taxicab, and advised that City government does not listen to the needs of the average citizen.

**CITY MANAGER COMMENTS:**

**ACTS OF ACKNOWLEDGEMENT:** The City Manager expressed appreciation to City staff for the success of the award winning, Roanoke Citizen magazine, the current edition of which celebrates diversity in the Roanoke community.

The City Manager commended the Roanoke community on the number of events that were held on September 11, 2002, that demonstrated the need to not only remember the September 11, 2001 tragedy, but also to recommit to the community a love of God and a love of country.

**POLICE DEPARTMENT-FIRE DEPARTMENT-ACTS OF ACKNOWLEDGMENT:** The City Manager called attention to a press conference which was held on Friday, September 13, 2002, in which it was announced that the City of Roanoke is the only city in the United States that has an accredited jail, police department and fire department.

**ACTS OF ACKNOWLEDGEMENT-WATER RESOURCES:** The City Manager encouraged citizens to participate in a water conservation workshop to be held on September 23, 2002, at 7:00 p.m., at the City's Main Library. She expressed appreciation to Roanoke's citizens for their continuing cooperation and support during the water crisis, and asked that citizens continue to be good conservators of water.

At 4:35 p.m., the Mayor declared the meeting in recess for one Closed Session.

At 5:30 p.m., the Mayor declared the Closed Session in recess, for a joint meeting of City Council and the Roanoke City School Board, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building.

A joint meeting of Roanoke City Council and the Roanoke City School Board was called to order on Monday, September 16, 2002, at 5:35 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith and Vice-Chair Ruth C. Willson presiding.

**COUNCIL MEMBERS PRESENT:** William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, (left meeting at 5:40 p.m.) and Mayor Ralph K. Smith-----7.

**COUNCIL MEMBERS ABSENT:** None-----0.

**SCHOOL TRUSTEES PRESENT:** F. B. Webster Day, Marsha W. Ellison, William H. Lindsey, Gloria P. Manns, Chairperson (arrived late), Melinda J. Payne, Robert J. Sparrow, and Vice-Chair Ruth C. Willson-----7.

**SCHOOL TRUSTEES ABSENT:** None-----0.

**OTHERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Elizabeth Dillon, Assistant City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; E. Wayne Harris, Superintendent of Roanoke City Public Schools; Cindy H. Lee, Clerk of the School Board; and Richard L. Kelley, Assistant Superintendent of Operations.

The Mayor welcomed the School Board and staff to the meeting and advised that following dinner, the business session would convene.

The invocation was delivered by Vice-Mayor Harris.

**SCHOOLS:**

## PROGRESS AND WORK TO BE DONE BY THE ROANOKE CITY SCHOOLS:

Superintendent Harris referred to legislation signed by President Bush in January 2001 that reauthorized the Elementary and Secondary Education Act which was first signed into law in 1965 by President Lyndon Johnson, reauthorized by President George W. Bush, and serves as the foundation for legislation referred to as, "No Child Left Behind". He advised that the legislation impacts every public school in the United States and consists of five specific goals; i.e.: goal number one provides that by the year 2013-2014, all schools will reach high standards at a minimum attained proficiency or better in reading and mathematics, and noted that the City of Roanoke created a reading plan five years ago, long before the law was signed to reauthorize the Act. He explained that goal number two provides that all limited English speaking students will become proficient in English and reach high academic proficiency, or better, in reading and language arts; last year Council was advised that the City of Roanoke was experiencing a significant increase in the number of students enrolled in the Roanoke City Public Schools who speak a language other than English as their first language, and at the beginning of the 2002 school year, approximately 390 students representing approximately 28 countries were enrolled in the Roanoke City School system. He advised that goal number three provides that by the year 2005-2006, all students will be taught by highly qualified teachers; all teachers teaching in Roanoke City Schools are required to be licensed, and this portion of the new law provides that teachers will be highly qualified with a degree in the field of education in which they teach. He explained that goal number four provides that all students will be educated in a learning environment that is safe, drug free and conducive to learning; and the Roanoke City School System has put into place all of the examples for a drug free, safe and conducive to learning environment. He added that goal number five provides that all students will graduate from high school by the year 2013-2014 (every student who starts in the ninth grade will graduate within four years), and this goal presents a challenge for the City of Roanoke because the drop out rate rotates between five and seven per cent.

Dr. Harris advised that 75 per cent of Roanoke's students were reading on grade level in the year 2001, compared to 48 per cent in 1998 due, in part, to the creation of a number of pre school classes, and much of the reading progress can be attributed to involving students in the school and pre school setting and working with them to diagnose and intervene in regard to any reading deficiencies; Standards of Learning test results show a 71 per cent overall pass rate for students in English, particularly in the area of reading, 37 per cent or 183 more African-American students are taking algebra when compared to the number taking the course four years ago, and the total number of students taking algebra during this same period of time has narrowed significantly over the four year period. He explained that algebra is the gate keeper of mathematics courses and if students are successful in algebra, they will most likely take a higher level of math, science, and foreign language course in readiness for college admission.

He stated that 66 per cent of students passed their mathematics SOL test, there was a 12 per cent gain in social studies tests from 56 per cent to 68 per cent between the years 2001 and 2002 Standards of Learning; and there was a gain in science bringing student overall test rates to 70 per cent. He called attention to a closing of the gap in the SOL scores between African-American and Caucasian students in all subjects at the elementary level: English, math, science and social studies; there is a declining enrollment, and an achievement gap on eight of ten end of course tests at the high school level; student academic achievement has improved every year which can be substantiated with hard data; and core improvements are the result of spending considerable time on curriculum audits and revision, professional development for teachers, inclusion of programs with proven success, and careful analysis of materials and effective reading.

At this point, Council member Wyatt left the meeting.

Dr. Harris advised that the number of fully accredited schools has increased by five; last year Crystal Spring, Fishburn Park, Grandin Court, Raleigh Court and Wasena Elementary Schools and James Madison Middle School were fully accredited; recently Highland Park and Morningside Elementary Schools, Woodrow Wilson Middle School, and William Fleming and Patrick Henry High Schools were accredited; and Garden City, Monterey, and Virginia Heights Elementary Schools and William Ruffner Middle School are close to accreditation.

He called attention to an increase in the number of students who took advanced placement courses and scored at least three, four or five on exams, and explained that students must score at least a three in order for the course to count toward college credit, with the number having increased from 54 in 2000 to 73 in 2002. He referred to dual enrollment classes which enable students to take courses in high school that are college level through Virginia Western Community College and the student receives credit toward a college degree, and advised that for the fall season of 2000, eight dual enrollment courses were offered and the number has increased to 21.

Dr. Harris advised that there are 150 licensed professional staff who were hired during the summer of 2002 and 40 of those individuals are natives of the Roanoke Valley; all 28 schools must pass the Standards of Learning test by the year 2007 to be fully accredited; Roanoke City Schools must completely close the achievement gap when comparing the achievement of African-American students to Caucasian students; all persons must become skillful users of technology; and the school system must use its recently revised evaluation system for teachers and principals more effectively and cultivate revenue to attract, retain and reward staff. He stressed the importance of funds in these difficult financial times, and all persons should be judicious stewards of monies allocated for education; there is a need to implement a seven period day for students; and all students must graduate from high school.

**COORDINATION WITH REGARD TO PLANNING FOR PARKS and GREEN-WAYS/USING SCHOOLS FOR FITNESS CENTERS:**

Council Member Cutler referred to joint use of middle schools for fitness centers which have proven to be successful. He also referred to using parks and greenways for educational purposes, environmental education, outdoor classrooms and the use of greenways by school track teams for physical education programs. He called attention to the former Transportation Museum in Wasena Park that will be used as an environmental education center, and inquired if there will be a continuing relationship between School staff and City parks and recreation staff to take advantage of parks and recreation fields as educational resources.

Dr. Harris responded in the affirmative and advised that the school system tries at every opportunity to use available resources, and staff of Roanoke City Schools will work with the City's Director of Parks and Recreation to address joint efforts of cooperation.

**PER CENT FOR THE ARTS PROGRAM:**

Dr. Cutler requested that the School Board clarify its position on joint oversight with regard to the Per Cent for Arts Program; whereupon, Dr. Harris advised that the School Board is interested in oversight of art for Roanoke's schools only, and welcomes the opportunity to increase art and art programs in the schools. He stated that art programs have been a priority during his tenure as Superintendent of Schools.

**NEIGHBORHOOD SCHOOLS:**

Council Member Carder addressed neighborhood schools in the context of the City's Comprehensive Plan and in view of the new urban design with the goal that everything will be within walking distance, and with compact and denser neighborhoods. He inquired as to the status of constructing more neighborhood elementary and/or middle schools.

Dr. Harris responded that it was projected three to four years ago that enrollment in Roanoke City Public Schools would first flatten and then start to decline, which projection has held true. He stated that from approximately 1992 until three years ago, there was a steady increase to 450 students over that entire period of time and then enrollment stopped; in the last two to three years, there has been a decline of approximately 100 students in 2001, primarily at the kindergarten and first grade levels, which also speaks to a decline in the birth rate in Roanoke City. He stated that the increase currently is being seen at the middle and high school levels and in the next three to four years, it is projected that there will be a slight decline. At the end of the next three to four years, he noted that there will be approximately 12,500 students enrolled in the City school system, therefore, the school system will lose some students, which clearly states that there is not a need to construct more buildings inasmuch as students can be accommodated in present facilities; however, there is a need to renovate and bring up to standards current school buildings.

Mr. Carder inquired if there are sufficient neighborhood schools to allow students to walk to school as opposed to being bused; whereupon, Dr. Harris responded that 350 - 400 students are bused as a part of the Magnet School Program which is by choice, and other students are bused as a result of the voluntary desegregation plan.

#### **CO-USE AND OPPORTUNITIES FOR SCHOOL FACILITIES:**

Council Member Carder commended the relationship between the City and the School Board relative to community use of the middle school fitness centers. He asked that as the needs of the community are reviewed, the school building should be viewed as an asset that is available to not only the schools, but to the neighborhood as well, and not for redundancy in terms of community centers and other types of facilities.

Dr. Harris referred to the Roanoke Academy for Mathematics and Science where the City of Roanoke and Roanoke City Schools are working cooperatively to expand the gymnasium, cafeteria area, and the library media center so that when the school day ends at 3:15 p.m., the facility then becomes a community center. He stated that Addison Middle School may be one of the most used facilities in terms of schools.

In addition to coordination between the schools and the City's Department of Parks and Recreation, Dr. Cutler mentioned the potential for similar kinds of coordination between the schools and the City's public libraries; whereupon, Dr. Harris advised that a community library, aquatic center, field houses, etc., are all concepts that could be discussed, but there must be an understanding that such facilities would have to be paid for up front, but the advantage is in not creating separate facilities, thereby saving money over the long term.

The City Manager called attention to a pilot program that was initiated approximately two years ago in which the City provided additional funding for the schools for the purpose of keeping the schools open longer in the afternoon and early evening hours, with the goal of making the facilities available as community libraries for use by the public. She stated that it was unfortunate that the kind of interest that was necessary to sustain the program could not be generated. She advised that both she and Dr. Harris would like to encourage more partnering between the City and the School system in the future, and with new facilities there is an opportunity for better planning.

There was discussion in regard to taking into consideration the needs of the community, that there not be redundant facilities, and that facilities/programs be offered to students and to the community that will be of benefit. The City Manager pointed out the importance of ensuring that facilities are constructed that are needed, and stated that the two new high schools represent a unique opportunity, but they may not be located in those areas that are most in need of community services. She advised that there are opportunities for partnerships in the future that have not been utilized in the past; and the City/Schools should encourage citizens to view resources as community resources, not belonging to the schools and/or the City, which can only be accomplished through a change in the mindset of citizens.



Council Member Dowe called attention to the importance of marketing the City of Roanoke and its school system to let the general public know what the City of Roanoke and Roanoke City Public Schools have to offer.

There was discussion in regard to tutoring/mentoring in the pre school and elementary schools by civic organizations in the community. It was pointed out that civic organizations, businesses and organizations throughout the City of Roanoke permit their employees to take time off from work to volunteer in reading programs in the elementary schools, and the program is available in five elementary schools, with approximately 200 volunteers.

#### SUPPORT FOR TEACHERS:

Council Member Bestpitch advised that the Roanoke City Public Schools and the School Board have given the City of Roanoke much to be proud of, and called attention to the importance of staff in educating Roanoke's children. He stated that in order to educate students, there must be buildings, capital equipment, large items such as school buses, books, educational materials and supplies, and staffing; however, the most important of these general categories is staffing. He added that if it is necessary to set priorities, he would prefer to see well qualified, motivated, and inspired teachers in a building that needs some repairs, as opposed to a grand, new building with staff that feel undervalued and underpaid. He advised that he raised his concern in the context of the difficult budget process that was experienced earlier in the year when trying to project revenues and reaching a decision on the schools' portion of the budget. He added that City Council and the School Board tries to do the very best they can by employees each year; however, he was concerned that when the budget process for fiscal year 2002-03 was concluded, teachers received a smaller pay increase than City employees. He stated that as the budget process for 2004 begins, it is hoped that every effort will be made to do the best that can be done for teachers in order to attract and retain the most qualified, experienced and motivated teachers.

In addition to an increase in wages, Mr. Day called attention to the importance of training and development, and advised that the school system has done a good job in providing funds for teacher training and development.

#### COMPLIANCE WITH PERSONNEL POLICY AND PROCEDURE:

Council Member Bestpitch referred to a situation that was communicated to him by persons who believe that the personnel policy process of the school system is not working properly. He called attention to a principal position at an elementary school in his neighborhood which, allegedly, was filled from a pool of applicants without advertising the position, although there were individuals in the school system who were interested in applying for the position had they been given the opportunity to do so. He stated that if money is not the most important issue in retaining personnel, morale or the belief that there is an opportunity for

advancement, or an opportunity for experience and qualifications to be taken into consideration in order to move up in the organization, is at the top of the list. He advised that he was of the impression, as a result of the joint retreat of Council and the School Board, that there was a clear understanding among Council Members and School Board Trustees that an individual would be hired with strong education and training in the area of human resources.

**REMARKS BY COUNCIL MEMBERS AND THE CITY MANAGER:**

Council Member Bestpitch expressed appreciation for the work of the School Board which requires a considerable amount of time and dedication. He stated that it is hoped that the lines of communication will continue to improve among School Board and City Council members.

Council Member Carder expressed appreciation for the work of the School Board and its accomplishments in the areas of school accreditation, school improvements, and the comprehensive plan; however, he emphasized the importance of State funding and expressed frustration over a \$1.3 billion shortfall at the State level which could represent as much as \$15 million to the school system. He stated that the City of Roanoke will be faced with cutting important programs in order to find sufficient dollars to get by. He advised that the citizens of the City of Roanoke want quality education for their children and they are willing to pay for it, but it will be necessary to forge alliances and the School Board and City Council must stand united in their efforts to do their best for the citizens of the City of Roanoke.

Council Member Cutler spoke in support of proceeding with improvements to the two high schools, continuation of the Character Counts in Education Program, and as incoming President of a local civic organization, he offered to solicit more volunteers to work in the reading programs at elementary schools throughout the City of Roanoke.

Council Member Dowe commended the School Board and those persons in leadership roles for their contributions. He also commended teachers for the important role they play in Roanoke's school system and advised that in his position with First Union National Bank, he has an opportunity to interact with representatives of potential new businesses looking to locate in the Roanoke area and they commend the City of Roanoke on the caliber of its educational system. He reiterated the need to continue with efforts to market the City of Roanoke and its school system.

Vice-Mayor Harris advised that being the father of three children who are enrolled in the Roanoke City School System, he appreciates the positive experiences, the quality education, and the safe environment that is provided for all of Roanoke's children.

At the last Council/School Board retreat, Council Members and School Trustees adopted a “buddy” system; whereupon, it was the consensus that the following Council/School Board members would be “buddies”:

Mayor Smith	-	Chairperson Manns
Council Member Bestpitch	-	School Trustee Lindsey
Council Member Carder	-	School Trustee Day
Council Member Cutler	-	Vice-Chair Willson
Vice-Mayor Harris	-	School Trustee Ellison
Council Member Dowe	-	School Trustee Sparrow
Council Member Wyatt	-	School Trustee Payne

The City Manager advised that the City Manager and the Superintendent of Schools participate in a “buddy” system and meet on a monthly basis to discuss matters of interest, they feel the freedom to contact each other on issues that may arise in between, and it is hoped that their relationship is reflected in the way that the two staffs work together. She stated that it is hoped that the Council and the School Board will schedule another joint retreat before the end of the calendar year. She called attention to difficult financial challenges in the future and advised that Council has shown unparalleled support for funding of public education. As one of the 14 member cities to the Virginia Coalition of Cities, she stated that the City of Roanoke went on record during the 2002 Session of the General Assembly that it would support any legislation that provides for education and/or transportation as the City’s top two priorities. She advised that the City of Roanoke wants to work with the School Board and there will be a coming together on certain legislative issues; however, the School Board has access to an even larger constituency than the Members of City Council because the School Board can reach citizens through the children enrolled in the school system, therefore, the City of Roanoke may need to call on the School Board to marshal parents to be a part of the solution that says to elected officials that localities want more money and they are willing to pay for the education of their children.

#### REMARKS OF SCHOOL TRUSTEES AND THE SUPERINTENDENT:

School Trustee Ellison called attention to the formation of the Roanoke Valley School Board Consortium, which is composed of the localities of the City of Roanoke, Roanoke County, City of Salem, Franklin County, Craig County, Botetourt County and Bedford. She advised that the School Board Consortium was established because of the power of numbers and to enable the area to plan for and highlight its needs, particularly related to construction, facilities, capital needs, etc. She noted that she, along with School Trustee Webster Day, represent the City of Roanoke on the Consortium, and September 16 is Legislator Week at which time various localities will meet with their area legislators to call attention to the neediest schools in the region. She advised that a meeting will be held during the latter part of September to discuss capital needs for the next five years by the various school divisions and a meeting will be scheduled in late October or mid November including all member locality legislators, governing bodies and School Boards; whereupon, she requested that Council endorse the concept.

Chairperson Manns advised that she is proud of Roanoke's school system and the working relationships between City Council Members and School Trustees. She spoke in support of a joint planning session of Council and the School Board, and the need to market the City of Roanoke and its school system.

School Trustee Payne commended the positive working relationship between City Council and the School Board. She spoke in support of the "buddy" system which helps to keep the lines of communication open and advised that she looks forward to a continuing good working relationship.

School Trustee Sparrow expressed appreciation for the opportunity to serve on the School Board, and stated that his sole purpose in serving is to meet the needs of the children of the City of Roanoke.

School Trustee Lindsey expressed appreciation for the opportunity to serve on the School Board. He stated that like serving on City Council, serving on the School Board is a public service, and he would like to do his part to ensure that Roanoke has the very best school system that creates opportunities for children and families, for the community and for the City of Roanoke in general.

Superintendent Harris advised that he is beginning his tenth year of service as Superintendent of Schools in the City of Roanoke, and he has served with 19 individual School Board members who have, at one time or another, made up the seven member School Board. He expressed appreciation to Council for the seriousness with which it makes appointments to the School Board and for the caliber of School Board Members that have been appointed. He stated that when one looks at school systems that experience frequent turn over in the position of Superintendent, all data points to the fact that it is due to contentious relations between the School Board and the Superintendent; however, he has not had that kind of relationship because he has worked with School Boards whose primary mission and purpose is to take action on behalf of what is in the best interest of the children. He encouraged that Council continue to appoint School Trustees who have the children as their first interest.

The Mayor expressed appreciation to the Members of Council and to the School Board for the meaningful dialogue that was shared. He called attention to the need to discuss ways to educate all of Roanoke's citizens in furthering their education. He referred to discussions regarding the Council's domain and the School Board's domain, but stated that it is important to remember that both bodies are accountable to the citizens. He commended the working relationship between Council and the School Board and encouraged both groups to continue their positive relationship for the benefit of the children and citizens of the City of Roanoke.

**OTHER BUSINESS: NONE.**

At 6:50 p.m., the Mayor declared the meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, September 16, 2002, the City Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith presiding.

**PRESENT:** Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, and Mayor Ralph K. Smith--6.

**ABSENT:** Council Member Linda F. Wyatt-----1.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### **PUBLIC HEARINGS:**

**BUDGET-CMERP:** Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, September 16, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to consider a proposal to adjust the aggregate amount of the City of Roanoke annual budget in connection with appropriation of funds for its Capital Maintenance and Equipment Replacement Program (CMERP), the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, September 8, 2002, and in The Roanoke Tribune on Thursday September 12, 2002.

The City Manager submitted a communication advising that Section 2-189, Code of the City of Roanoke, (1979), as amended, establishes a reserve from the year-end General Fund balance for the funding of capital improvements and Capital Maintenance and Equipment Replacement (CMERP); the amount reserved from the undesignated fund balance is calculated as ten per cent of total General Fund appropriations, less any sums paid for General Fund debt service during the fiscal year; the fiscal year 2001-02 General Fund annual designation for CMERP is \$3,229,149.00; and in addition, \$100,000.00 remains unspent from fiscal year 2000-01 CMERP, resulting in a total available for appropriation for the CMERP program of \$3,329,149.00.

It was further advised that in fiscal year 2002, the City changed its period of availability under modified accrual accounting to recognize revenue receivables at June 30 and received within 60 days of year end, which resulted in a one-time restatement of fund balance in the amount of \$1,753,440.00, which resulted in total fiscal year 2002 CMERP available to the City of \$4,982,589.00; additional funding of \$308,974.00 resulting from the residual equity transfer from closing of the Materials

Control Fund is also available; the remaining balance is a result of a significant retained earnings balance built up over several years by the Materials Control Fund overhead rate; the total of these two one-time funding sources is \$2,062,414.00, bringing the total funding available for appropriation to \$5,391,563.00; in response to concerns stated by Council at its August 5, 2002 CMERP briefing, it is recommended that these additional one-time funds be appropriated to a reserve account, and not be expended at this time, in anticipation of possible budget adjustments that may be necessary due to downward adjustments in State revenue forecasts; and in accordance with priorities presented to Council in a "Budgeting for Capital Needs" memorandum dated August 20, 2002, the recommended CMERP spending plan addresses the following categories:

Required Contributions	\$ 349,127.00
Capital Projects	1,232,723.00
Fixed Asset Maintenance	638,106.00
Technology Upgrades	400,000.00
Vehicular Replacements	275,000.00
Operational Equipment and Furniture	434,193.00
Reserve Funds	<u>2,062,414.00</u>
Total	\$5,391,563.00

It was explained that department CMERP funding requests totaled approximately \$14.3 million in non-technology and non-vehicular related items/initiatives; requests for technology related items/initiatives totaled an additional \$2.3 million; technology requests are reviewed and prioritized by the Information Technology Committee, and a separate report on Council's agenda recommends appropriation of funds for technology needs; all vehicular requests are reviewed by the Fleet Management Division Manager and evaluated based upon an approved set of replacement criteria; in addition to qualifying under the recently approved replacement criteria policy, each vehicle will be evaluated on its utilization and standard usage; a utilization policy and standard usage policy are currently under development and are scheduled for completion by the end of the calendar year; a preliminary evaluation of the City's fleet based on replacement criteria identified \$2.9 million in vehicles to be replaced or purchased in fiscal year 2003; cash funding of \$1,500,000.00 is available, leaving a balance of approximately \$1,400,000.00 to fund through capital lease financing; this would be the third year of the fleet lease program; and the capital lease funding option will be re-evaluated after considering the impact of State budget cuts on the City's budget and a final recommendation as to fleet purchases will be presented to Council later in the fiscal year.

The City Manager recommended that Council concur in CMERP funding recommendations and appropriate funds to specific accounts as set forth in Attachment 1 to the communication.

Mr. Dowe offered the following budget ordinance:

**(#36072-091602) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General, Civic Center, Parking, Capital Projects, and Fleet Management Funds Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 66, page 425.)**

**Mr. Dowe moved the adoption of Ordinance No. 36072-091602. The motion was seconded by Mr. Carder.**

**The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.**

**Ordinance No. 36072-091602 was adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent .)**

**A communication from the City Manager advising that in a report dated September 16, 2002, Council was asked to approve a recommendation that \$400,000.00 of the Fiscal Year 2001-02 General Fund balance designated for the Capital Maintenance and Equipment Replacement Program be allocated for technology needs; in addition, the Department of Technology, an internal service fund, has retained earnings available for appropriation of \$1,000,000.00 that can be allocated for current technology needs, for a total of \$1,400,000.00; the Information Technology Committee (ITC) has completed an Information Technology Strategic Plan for the City of Roanoke and has developed a list of priority projects and equipment needs that have been determined to be supportive in meeting the goals of the plan; one key area of progress under the strategic plan is the Personal Computer Replacement Program; since the program began in 2001, more than 600 personal computers have been replaced, with the goal to replace another 250 units this year; and as the City moves forward with replacements, retired equipment will be re-used where less powerful personal computers are appropriate.**

**It was further advised that another key project in this year's plan is an upgrade of the City's mainframe operating system, which will provide opportunities to enhance support of mainframe applications and improve integration of financial applications at a total cost of \$1,400,000.00; and all items will be purchased in accordance with requirements of the City's Procurement Code.**

The City Manager recommended that Council adopt a measure appropriating funds to new or existing project accounts to be established by the Director of Finance to support strategic technology needs and enhancements.

Mr. Dowe offered the following budget ordinance:

(#36073-091602) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Department of Technology Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 430.)

Mr. Dowe moved the adoption of Ordinance No. 36073-091602. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

BONDS/BOND ISSUES-PARKS AND RECREATION-HIGHER EDUCATION CENTER: Michael Woods, a Political Director for Foundation 2002, which is the political campaign for the higher education/parks and recreation bond initiative, appeared before Council and advised that in November 2002, voters of Virginia will be asked to approve the issuance of \$900 million worth of bonds for higher education and \$119 million of bonds for parks and natural areas. He explained that if passed by the voters of Virginia, the parks and natural resources bond referendum would provide \$119 million to help the environment, preserve valuable, irreplaceable park and open space and natural areas of land for future generations of Virginians, and enhance the existing 34 State parks. He explained that funds will be used to purchase land for three new state parks, additional land for 11 existing parks, ten new natural area preserves, additions to eight existing preserves, and more than 70 park improvement projects will be accomplished without a tax



increase. He stated that last year, Virginia parks were named the best run parks in the United States of America, despite a national ranking of 50<sup>th</sup> in percentage of the State budget that was spent on parks; however, that national standing could slip if Virginians do not invest in their parks on November 5, 2002. He noted that in addition to purchasing future parks, passage of the land initiative will ensure that the Commonwealth of Virginia will acquire the land while real estate prices are reasonable and allow for construction, repair and improvement projects in all of Virginia's 34 state parks, as well as new recreational resources, new or improved cabins, camp grounds, visitor centers, trails and other offerings, and thereby provide park employees with more time to help visitors better enjoy Virginia's state parks and natural resources. He advised that currently, Virginia parks host more than seven million visitors per year which is a dramatic increase over the past decade and approximately 40 per cent of park visitors come from outside the Commonwealth of Virginia, therefore, state parks help pump more than \$140 million into local economies across the state. He further advised that approval of the bond would mean the future protection of Virginia's sensitive land and open spaces, both as State parks and as natural areas. He stated that ten years ago, Virginians were asked to approve the bond for state parks and because voters had the forethought to approve the referendum in 1992 by over 64 per cent, today Virginia enjoys four new state parks, new natural areas, new visitor's centers, cabins, camp grounds and other facilities. He advised that Governor Warner and nearly all of the General Assembly, both Republican and Democrat, support passage of the bond; whereupon, he requested that Roanoke City Council adopt a resolution in support of the parks and recreation and higher education bond initiatives which will bring \$1.53 billion into the Commonwealth of Virginia and create 14,000 new jobs.

Mr. Harris offered the following resolution:

(#36074-091602) A RESOLUTION endorsing the proposed issuance of general obligation bonds of the Commonwealth of Virginia relating to parks and recreational facilities, which will be considered by the electorate in a statewide referendum to be held on November 5, 2002, and encouraging the citizens of the Commonwealth to support this bond referendum.

(For full text of Resolution, see Resolution Book No. 66, page 433.)

Mr. Harris moved the adoption of Resolution No. 36074-091602. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, and Harris-----5.**

**NAYS: None-----0.**

**(Mayor Smith voted present.) (Council member Wyatt was absent.)**

**Mayor Smith advised that he would neither vote for and against Resolution No. 36074-091602 because a public hearing has not been held to receive citizen input.**

**Mr. Cutler offered the following resolution:**

**(#36075-091602) A RESOLUTION endorsing the proposed issuance of general obligation bonds of the Commonwealth of Virginia relating to higher education and museum facilities, which will be considered by the electorate in a statewide referendum be held on November 5, 2002, and encouraging the citizens of the Commonwealth to support this bond referendum.**

**(For full text of Resolution, see Resolution Book No. 66, page 435.)**

**Mr. Cutler moved the adoption of Resolution No. 36075-091602. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, and Harris -----5.**

**NAYS: None-----0.**

**(Mayor Smith voted present.) (Council Member Wyatt was absent.)**

**Mayor Smith advised that he would neither vote for or against Resolution No. 36075-091602 because a public hearing has not been held to receive citizen input.**

**COMPLAINTS: Ms. Eleanor Casey, 1520 Shamrock Street, N. W., expressed concern with regard to a “modular” home which was moved to the corner of Shamrock Street and Westside Boulevard, N. W. She expressed further concern that citizens of the area were not notified of the proposed action, the home does not fit in with the overall character of the neighborhood and is in poor condition, devaluation of other properties in the neighborhood, the house is not horizontally in line with other houses on the street, and whether or not the house will be hooked up to the City’s sanitary sewer system.**

**Ms. Gloria Dowe, 3702 High Acres Road, N. W., presented a petition signed by over 100 persons in opposition to relocation of the house in the Westside Boulevard area.**

**Ms. Gwendolyn Dudley, 1605 Lancaster Drive, N. W., advised that the house is directly across the street from Westside Elementary School, it blocks the view of the neighborhood, and does not conform with the overall character of the neighborhood which consists of tree lined streets, brick homes, and houses that are lined up horizontally. She pointed out that if residents wish to make improvements to their homes, they are required to abide by City regulations, yet the City of Roanoke advises that it has no guidelines addressing a situation such as the house in question. She stated that the house is an eyesore to the neighborhood and inquired if City officials would want the house in their neighborhood.**

**The City Manager advised that the structure is not a “modular” home, but a home that was moved from another location to the corner of Shamrock Street and Westside Boulevard, N. W. She noted that the necessary permits have been applied for and issued by the City of Roanoke, and she was not aware of any type of intervention that the City could offer on behalf of the neighborhood.**

**COMPLAINTS: Mr. and Mrs. David Renger, 1157 Kerns Avenue, S. W., addressed Council with regard to an asthma condition of their six year old son, which is aggravated by smoke from chimineas in the neighborhood. They requested that the City Roanoke prohibit the use of chimineas.**

**The matter was referred to the City Manager and the City Attorney for investigation and report to Council. It was suggested that other localities be surveyed in regard to regulations, if any, governing the use of chimineas.**

**At 8:00 p.m., the Mayor declared the meeting in recess for continuation of one closed session.**

**At 8:15 p.m., the Council meeting reconvened in the City Council Chamber with all Members of the Council in attendance, with the exception of Council Member Wyatt, Mayor Smith presiding.**

**COUNCIL: With respect to the Closed Meeting just concluded, Mr. Harris moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such**

public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt was absent.)**

**OATHS OF OFFICE-ARCHITECTURAL REVIEW BOARD:** The Mayor advised that the terms of office of Robert B. Manetta and Kevin A. Deck as members of the Architectural Review Board will expire on October 1, 2002, and called for nominations to fill the vacancies.

**Mr. Harris placed in nomination the names of Kyle G. Ray and Robert B. Manetta.**

**There being no further nominations, Mr. Ray was appointed and Mr. Manetta was reappointed as members of the Architectural Review Board, for terms commencing October 2, 2002, and ending October 1, 2006, by the following vote:**

**FOR MESSRS RAY AND MANETTA: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.**

**(Council Member Wyatt was absent.)**

**OATHS OF OFFICE-PENSIONS:** The Mayor advised that there is a vacancy on the Board of Trustees, City of Roanoke Pension Plan, to fill a position that rotates between the City of Roanoke, City of Roanoke School Board, Roanoke Regional Airport Commission, Roanoke Valley Resource Authority and the Roanoke Valley Detention Commission; whereupon, he called for nominations to fill the vacancy.

**Mr. Harris placed in nomination the name of Efren T. Gonzalez (representative of the Roanoke Regional Airport Commission).**

**There being no further nominations, Mr. Gonzalez was appointed as a member of the Board of Trustees, City of Roanoke Pension Plan, for a term ending June 30, 2006, by the following vote:**

**FOR MR. GONZALEZ: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.**

**(Council Member Wyatt was absent.)**

**Mr. Harris moved that the City of Roanoke residency requirement be waived. The motion was seconded by Mr. Dowe and adopted.**

**OATHS OF OFFICE-FIFTH PLANNING DISTRICT COMMISSION: The Mayor advised that there is a vacancy on the Roanoke Valley-Alleghany Regional Commission, created by the resignation of Evelyn S. Lander, resigned, and called for nominations to fill the vacancy.**

**Mr. Harris placed in nomination the name of R. Brian Townsend.**

**There being no further nominations, Mr. Townsend was appointed as a member of the Roanoke Valley-Alleghany Regional Commission to fill the unexpired term of Evelyn S. Lander, resigned, ending June 30, 2003, by the following vote:**

**FOR MR. TOWNSEND: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.**

**(Council Member Wyatt was absent.)**

**OATHS OF OFFICE-TRAFFIC: The Mayor advised that there is a vacancy on the City of Roanoke Transportation Safety Commission, created by the resignation of Dawn T. Erdman, and called for nominations to fill the vacancy.**

**Mr. Harris placed in nomination the name of E. W. Tibbs.**

**There being no further nominations, Mr. Tibbs was appointed as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2004, by the following vote:**

**FOR MR. TIBBS: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.**

**(Council Member Wyatt was absent.)**

Mr. Harris moved that the City of Roanoke residency requirement be waived. The motion was seconded by Mr. Dowe and adopted.

**OATHS OF OFFICE-BUILDINGS/BUILDING DEPARTMENT:** The Mayor advised that the term of office of Barry W. Baird as a member of the New Construction Code, Board of Appeals, will expire on September 30, 2002, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Barry W. Baird.

There being no further nominations, Mr. Baird was reappointed as a member of the New Construction Code, Board of Appeals, for a term ending September 30, 2007, by the following vote:

**FOR MR. BAIRD:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.

(Council Member Wyatt was absent.)

**OATHS OF OFFICE-ROANOKE CIVIC CENTER:** The Mayor advised that the terms of office of Mark E. Feldmann and Sandra W. Ryals as members of the Roanoke Civic Center Commission will expire on September 30, 2002; Ms. Ryals has declined to serve another term, and called for nominations to fill the vacancies.

Mr. Harris placed in nomination the names of Mark E. Feldmann and Paul P. Anderson.

There being no further nominations, Mr. Feldmann was reappointed and Mr. Anderson was appointed as members of the Roanoke Civic Center Commission, for terms ending September 30, 2005, by the following vote:

**FOR MESSRS. FELDMAN AND ANDERSON:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.

(Council Member Wyatt was absent.)

At 8:20 p.m., the Mayor declared the meeting in recess to be reconvened on Wednesday, September 18, 2002, at 7:00 p.m., in the Virginia Room of The Hotel Roanoke, for a dinner meeting with Ian Lockwood, Senior Transportation Engineer, Glatting Jackson Kercher Anglin Lopez Rinehart, Inc.

The City Council meeting reconvened on Wednesday, September 18, 2002, at 7:15 p.m., in the Virginia Room, The Hotel Roanoke, for an informal dinner meeting with Ian Lockwood, Senior Transportation Engineer with the firm of Glatting Jackson Kercher Anglin Lopez Rinehart, Inc., which is located in the State of Florida.

**PRESENT:** Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Linda F. Wyatt and Mayor Ralph K. Smith (arrived at 8:20 p.m.)-----5.

**ABSENT:** Vice-Mayor C. Nelson Harris and Council Member Alfred T. Dowe, Jr.-----2.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

**OTHERS PRESENT:** Ian Lockwood, Senior Transportation Engineer, Glatting Jackson Kercher Anglin Lopez Rinehart, Inc.; Fredrick Williams, First Vice-Chairperson, Roanoke Neighborhood Partnership Steering Committee; R. Brian Townsend, Director, Department of Planning and Code Enforcement; Kenneth H. King, Manager, Streets and Traffic; and Stephen S. Niamke, Neighborhood Partnership Coordinator.

**TRAFFIC-PLANNING-ROANOKE NEIGHBORHOOD PARTNERSHIP:** Mr. Lockwood, a traffic calming specialist, visited the City of Roanoke at the invitation of the Roanoke Neighborhood Partnership Steering Committee.

The Members of Council, City staff and the first Vice-Chair of the Roanoke Neighborhood Partnership Steering Committee engaged in conversation with Mr. Lockwood over dinner.

Following tours of the City of Roanoke and meetings with City Council, neighborhood representatives, and civic and business leaders, Mr. Lockwood was scheduled to speak at a public meeting to be held on Thursday, September 19, 2002, at 6:30 p.m., at the Lucy Addison Middle School Auditorium, with regard to ways to re-create City streets as inviting public places.

**The City Council meeting was adjourned at 10:15 p.m.**

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker  
City Clerk**

**Ralph K. Smith  
Mayor**

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